

Notice of Allowability	Application No.	Applicant(s)	
	10/787,006	BUECHEL ET AL.	
	Examiner	Art Unit	
	Fenn C. Mathew	3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/13/2006.
2. ☒ The allowed claim(s) is/are 1-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

- One page 1, line 3 of the specification, the blank field '_____' should be removed, and --6,712,744-- should be inserted therein.

The following amendment has been made to update the continuity data in the specification.

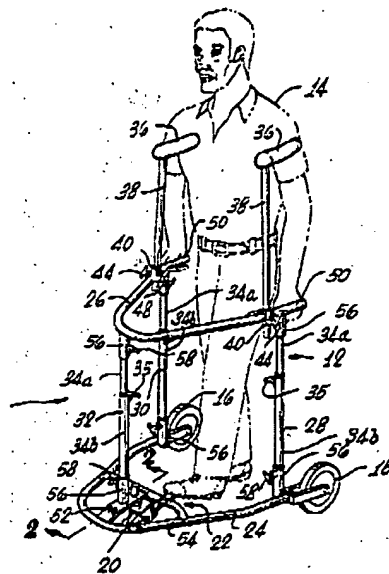
Terminal Disclaimer

2. The terminal disclaimer filed on 11/13/2006 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of U.S. Patent No. 6,712,744 has been reviewed and is accepted. The terminal disclaimer has been recorded.

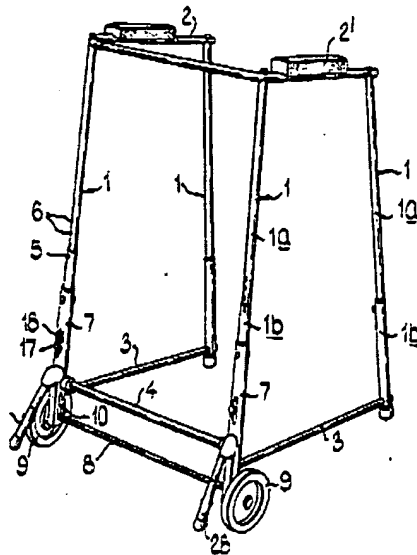
Allowable Subject Matter

3. Claims 1-25 are allowed. The following is an examiner's statement of reasons for allowance: Applicant has filed a proper and timely terminal disclaimer thereby overcoming the obvious-type double patenting rejection over U.S. 6,712,744.

Art Unit: 3764

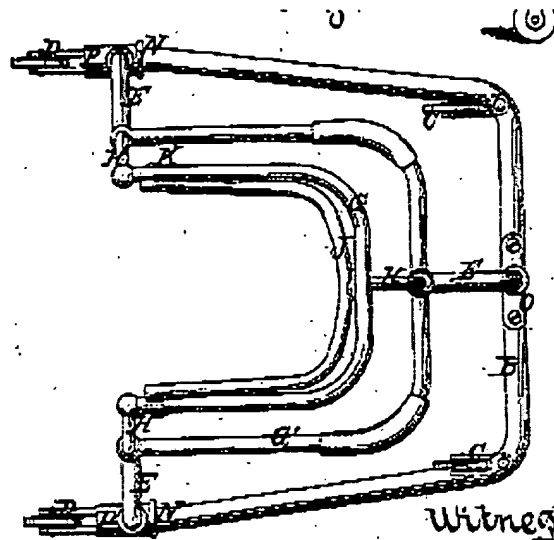


4. Daugherty (U.S. 4,226,413) teaches a walker including a U-shaped handle portion, a U-shaped base frame and telescoping members between the handle portion and base frame. Daugherty fails to teach the first and second arm of the handle frame being cantilevered from the base frame, and further fails to teach the side members of the base frame extending radially outwardly such that the planar configuration of the base frame is greater than the planar configuration of the handle frame in order to accommodate a user in a wheelchair (Remarks p. 2 lines 4-8.)



5. Barker (U.S. 4,251,105) teaches another example of a walker including a U-shaped handle portion, a U-shaped base frame and telescoping members between the handle portion and base frame. Barker also fails to teach the first and second arm of the handle frame being cantilevered from the base frame, and further fails to teach the side members of the base frame extending radially outwardly such that the planar configuration of the base frame is greater than the planar configuration of the handle frame in order to accommodate a user in a wheelchair (Remarks p. 2 lines 4-8.)

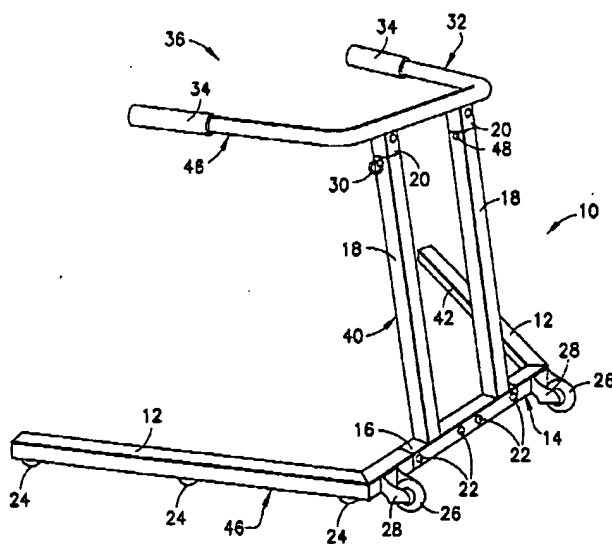
Art Unit: 3764



6. Darrach (U.S. 130,283)

walker having a U-shaped handle portion and a base frame with side members extending radially outwardly. Darrach fails to teach the first and second arm of the handle frame being cantilevered from the base frame in order to accommodate a user in a wheelchair (Remarks p. 2 lines 4-8.)

7. The prior art fails to teach the device as shown



including a U-shaped handle

Art Unit: 3764

section, a U-shaped base frame having side arms extending radially outwardly in order to accommodate a user in a wheelchair, wherein the arms of the U-shaped handle are cantilevered from the base frame in order to prevent interference with a user.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C. Mathew whose telephone number is (571) 272-4978. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3764

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



F.C. Mathew
February 17, 2007